

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA**

HAKIM KAMAU,

Petitioner,

VS.

SUPERINTENDENT ED BUSS,

Respondent.

No. 1:06-cv-1606-SEB-VSS

ENTRY

The petitioner was given a period of time in which to show cause why his petition for a writ of habeas corpus should not be summarily dismissed without prejudice for the reasons explained in paragraph 2 of the Entry issued on December 26, 2006. Although the petitioner has responded by showing that his failure to exhaust available state court remedies should be excused in this circumstance because of the fundamental errors on which his habeas petition is based, the law is otherwise. *Duckworth v. Serrano*, 454 U.S. 1, 4 (1981).

Based on the foregoing, therefore, the present action is dismissed without prejudice pursuant to Rule 4 of the *Rules Governing Section 2254 Proceedings in the United States District Court*. Judgment consistent with this Entry shall now issue.

IT IS SO ORDERED.

Date: 01/24/2007

Sarah Evans Barker
SARAH EVANS BARKER, JUDGE
United States District Court
Southern District of Indiana